



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340 telephone
(801) 359-3940 fax
(801) 538-7223 TTY
www.nr.utah.gov

Michael O. Leavitt
Governor

Robert L. Morgan
Executive Director

Lowell P. Braxton
Division Director

March 6, 2003

Craig Pfingsten
Twin Mountain Rock Company
P.O. Box 880
Milford, Utah 84751

Re: Formal Approval of Notice of Replacement Reclamation Contract and Updated Surety, Twin Mountain Rock Company, Milford Quarry, M/001/036, Beaver County, Utah

Dear Mr. Pfingsten:

On March 5, 2003, the Director of the Division of Oil, Gas and Mining formally approved the replacement Reclamation Contract and updated surety for Twin Mountain Rock Company's Milford Quarry. After the Division performed the standard five-year review of the reclamation surety, the surety was brought to current year dollars and escalated five years to year 2007, bringing the total updated surety to \$1,102,700. The Division recognizes a \$192,000 reclamation surety bond held by the BLM; therefore, the amount required to be posted with the Division was \$910,700.

On February 14, 2003, Twin Mountain Rock Company provided the Division with a rider to the existing surety bond # BCM, issued by Travelers Casualty and Surety Company of America, bringing the total surety to \$910,700. The new surety amount has been expanded to include a site amendment of 5.8 acres, which was approved in 2000 and escalated separately to year 2005 dollars. The result of combining these two escalation dates will be a single bond renewal date for this permit. On February 25, 2003, the replacement Reclamation Contract reflecting the new surety amount was received.

The Division hereby grants its final approval of the replacement Reclamation Contract and updated surety for the Milford Quarry. Unless you amend your mining and reclamation plan, the surety will not have to be reviewed again until year 2007. We have enclosed copies of the fully signed and executed Reclamation Contract and surety bond, with riders, for your files.

Thank you for your help in finalizing this permitting action. Please call me if you have any questions in this regard.

Sincerely,

D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb

Enclosure

cc: Ed Ginouves, BLM, w/Encl

O:\M001-Beaver\0010036-Milford Quarry\final\approval-ltr.doc

Utah!
Where ideas connect

0001

File Number M/001/036

Effective Date February 17, 2003

Other Agency File Number _____

RECEIVED

FEB 25 2003

DIV. OF OIL, GAS & MINING

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION of OIL, GAS and MINING
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5291
Fax: (801) 359-3940

RECLAMATION CONTRACT

---ooOoo---

For the purpose of this RECLAMATION CONTRACT the terms below are defined as follows:

"NOTICE OF INTENTION" (NOI): (File No.)	<u>M/001/036</u>
(Mineral Mined)	<u>Common variety rock</u>
"MINE LOCATION":	
(Name of Mine)	<u>Milford Quarry</u>
(Description)	<u>The quarry is located 6.5 miles</u> <u>northwest of Milford, UT in</u> <u>Beaver County</u>
"DISTURBED AREA":	
(Disturbed Acres)	<u>216.8</u>
(Legal Description)	<u>(refer to Attachment "A")</u>
"OPERATOR":	
(Company or Name)	<u>Twin Mountain Rock Co.</u>
(Address)	<u>P.O. Box 880</u> <u>Milford, UT 84751</u>
(Phone)	<u>435</u> <u>(801) 387-2997</u>

"OPERATOR'S REGISTERED AGENT":

Name)

(Address)

(Phone)

CT Corporation System

50 West Broadway

Salt Lake City, UT 84101

(801) 531-7090

"OPERATOR'S OFFICER(S)":

Christopher J. Murphy - President

Bryan J. Fowler - Sec./Treasurer

Craig Pfingsten - Vice President

SURETY":

(Form of Surety - Attachment B)

Surety Bond

"SURETY COMPANY":

(Name, Policy or Acct. No.)

Travelers Casualty and Surety Company
of America

Bond No.

"SURETY AMOUNT":

(Escalated Dollars)

\$910,700.00

"ESCALATION YEAR":

2007

"STATE":

State of Utah

"DIVISION":

Division of Oil, Gas and Mining

"BOARD":

Board of Oil, Gas and Mining

ATTACHMENTS:

A "DISTURBED AREA":

B "SURETY":

This Reclamation Contract (hereinafter referred to as "Contract") is entered into between Twin Mountain Rock Co. the "Operator" and the Utah State Division of Oil, Gas and Mining ("Division").

WHEREAS, Operator desires to conduct mining operations under Notice of Intention (NOI) File No. M/001/036 which has been approved by the Utah State Division of Oil, Gas and Mining under the Utah Mined Land Reclamation Act, Sections 40-8-1 et seq., Utah Code Annotated, (1953, as amended) (hereinafter referred to as "Act") and implementing rules; and

WHEREAS, Operator is obligated to reclaim that area described as the Disturbed Area as set forth and in accordance with Operator's approved Reclamation Plan, and Operator is obligated to provide surety in form and amount approved by the Division, to assure reclamation of the Disturbed Area.

NOW, THEREFORE, the Division and the Operator agree as follows:

1. Operator agrees to conduct reclamation of the Disturbed Area in accordance with the Act and implementing regulations, the approved Notice of Intention and Reclamation Plan received December 11, 1996. The Notice of Intention and the Reclamation Plan, as amended, are incorporated by this reference and made a part hereof.
2. Concurrent with the execution hereof, Operator has provided surety to assure that reclamation is conducted, in form and amount acceptable to the Division. Such surety as evidenced by the Surety Contract is in the form of the surety attached hereto as Attachment B and made a part hereof. The Surety Contract shall remain in full force and effect according to its terms unless modified by the Division in writing. If the Surety Contract expressly provides for cancellation, then, within 60 days following the Division's receipt of notice that the Surety Company intends to cancel the Surety Contract, the Operator shall provide a replacement Surety Contract in a form and amount reasonably acceptable to the Division. If the Operator fails to provide an acceptable replacement Surety Contract, the Division may order the Operator to cease further mining activities and to begin immediate reclamation of the Disturbed Area.
3. Operator agrees to pay legally determined public liability and property damage claims resulting from mining to the extent provided in Section 40-8-7(1)(e) of the Act.
4. Operator agrees to perform all duties and fulfill all reclamation requirements applicable to the mine as required by the Act and implementing rules, the Notice of Intention, as amended and the Reclamation Plan, as amended.
5. The Operator's liability under this Contract shall continue in full force and effect until the Division certifies that the Operator has reclaimed the Disturbed Area in accordance with the Act and implementing rules, the Notice of Intention, as amended and the Reclamation Plan, as amended.
6. If reclamation of discrete sections of the Disturbed Area is completed to the satisfaction of the Division, and the Division finds that such sections are severable from the remainder of the Disturbed Area, Operator may request the Division to certify that Operator has reclaimed such discrete sections of the Disturbed Area in accordance with the Act and Implementing rules, the Notice of Intention, as amended and the Reclamation Plan, as amended. If the Division makes such certification, Operator may make request to the Division that the aggregate face amount of the Surety Contract provided pursuant to paragraph 2 be reduced to an amount necessary to provide for completion of the remaining reclamation. The Division shall hear Operator's request for such reduction in accordance with the Board's Procedural Rules concerning requests for Agency Action.

7. Operator agrees to indemnify and hold harmless the State, Board and the Division from any claim, demand, liability, cost, charge, suit, or obligation of whatsoever nature arising from the failure of Operator or Operator's agents and employees, or contractors to comply with this Contract.
8. Operator may, at any time, submit a request to the Division to substitute surety. The Division may approve such substitution if the substitute surety meets the requirements of the Act and the implementing rules.
9. This Contract shall be governed and construed in accordance with the laws of the State of Utah.
10. If Operator shall default in the performance of its obligations hereunder, Operator agrees to pay all costs and expenses, including reasonable attorney's fees and costs incurred by the Division and/or the Board in the enforcement of this Contract.
11. Any breach that the Division finds to be material of the provisions of this Contract by Operator may, at the discretion of the Division, result in an order to cease mining operations. After opportunity for notice and hearing, the Board of Oil, Gas and Mining may enter an order to revoke the Notice of Intention, order reclamation, or order forfeiture of the Surety Contract, or take such other action as is authorized by law.
12. In the event of forfeiture of the Surety Contract, Operator shall be liable for any additional costs in excess of the surety amount which are required to comply with this Contract. Any excess monies resulting from forfeiture of the Surety Contract, upon completion of reclamation and compliance with this Contract, shall be returned to the rightful claimant.
13. This Contract including the Notice of Intention, as amended and the Reclamation Plan, as amended, represents the entire agreement of the parties involved, and any modification must be approved in writing by the parties involved.
14. Each signatory below represents that he/she is authorized to execute this Contract on behalf of the named party.

OPERATOR:

Twin Mountain Rock Co.
Operator Name

By Craig Pfingsten
Authorized Officer (Typed or Printed)

Vice President
Authorized Officer - Position

[Signature]
Officer's Signature

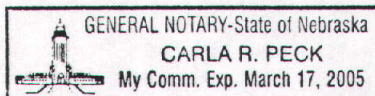
2/17/03
Date

STATE OF Nebraska)
COUNTY OF Washington) ss:

On the 17th day of Feb, 2003, Craig Pfingsten
personally appeared before me, who being by me duly sworn did say that he/she is the
V.P. of Twin Mountain Rock Co. and duly
acknowledged that said instrument was signed on behalf of said company by authority
of its bylaws or a resolution of its board of directors and said
Craig Pfingsten duly acknowledged to me that said
company executed the same.

Carla R. Peck
Notary Public
Residing at Blair, NE 68008

3-17-05
My Commission Expires:



DIVISION OF OIL, GAS AND MINING:

By Lowell P Braxton
Lowell P. Braxton, Director

3-5-03
Date

STATE OF Utah)
COUNTY OF Salt Lake) ss:

On the 5th day of March, 2003, Lowell P Braxton personally appeared before me, who being duly sworn did say that he, the said Lowell P Braxton is the Director of the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah, and he duly acknowledged to me that he executed the foregoing document by authority of law on behalf of the State of Utah.



Joelle Burns
Notary Public
Residing at: Salt Lake City

April 4, 2005
My Commission Expires:

ATTACHMENT "A"

Twin Mountain Rock Co.
Operator

Milford Quarry
Mine Name

M/001/036
Permit Number

Beaver County, Utah

LEGAL DESCRIPTION

Include 1/4, 1/4, 1/4 sections, townships, ranges and any other descriptions that will legally determine where disturbed lands are located. Attach a topographic map of suitable scale (max. 1 inch = 500 feet; 1 inch = 200 feet or larger scale is preferred) showing township, range and sections and a clear outline of the disturbed area boundaries tied to this Reclamation Contract and surety.

The detailed legal description of lands to be disturbed includes portions of the following lands not to exceed 216.8 acres under the approved permit and surety, as reflected on the attached map labeled Project Location and dated 8/3/00:

Project Location

W1/2 of Section 14;
NE1/4 of Section 14;
NW1/4 of the NW1/4 of the SE1/4 of Section 14;
NW1/4 of Section 13;
SW1/4 of Section 12;
SE1/4 of the SE1/4 of Section 11

Amendment Area

NE1/4 of the NW1/4 of the NE1/4 of Section 15;
SE1/4 of the SW1/4 of the SE1/4 of Section 10;
S1/2 of the SE1/4 of the SE1/4 of Section 10;
S1/2 of the SW1/4 of the SW1/4 of Section 11

Township 27 South, Range 11 West

ATTACHMENT B

MR FORM 6
Joint Agency Bonding Form

(June 10, 1996)

Bond Number _____
Permit Number M/001/036
Mine Name Milford Quarry

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas and Mining
1594 West North Temple Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291
Fax: (801) 359-3940

THE MINED LAND RECLAMATION ACT

SURETY BOND

The undersigned Twin Mountain Rock Company as Principal, and Aetna Casualty & Surety Company of America as Surety, hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah, Division of Oil, Gas and Mining, and DOI-Bureau of Land Management in the penal sum of Nine Hundred Forty-Eight Thousand--dollars (\$948,000.00-----).

Principal has estimated in the Mining and Reclamation Plan approved by the Division of Oil, Gas and Mining on the 7th day of April, 19 97, that 211 acres of land will be disturbed by this mining operation in the State of Utah.

A description of the disturbed land is attached as "Attachment A" to the Reclamation Contract of which this document is an integral part.

The condition of this obligation is that if the Division determines that Principal has satisfactorily reclaimed the disturbed lands in accordance with the approved Mining and Reclamation Plan and has faithfully performed all requirements of the Mined Land Reclamation Act, and complied with the Rules and Regulations adopted in accordance therewith, then this obligation shall be void; otherwise it shall remain in full force and effect.

If the Mining and Reclamation Plan provides for periodic partial reclamation of the disturbed lands, and if the lands are reclaimed in accordance with such Plan, Act and regulations, then Principal may apply for a reduction in the amount of this Surety Bond.

In the converse, if the Mining and Reclamation Plan provides for a gradual increase in the area disturbed or the extent of disturbance, then, the Division may require that the amount of this Surety Bond be increased, with the written approval of the Surety.

This bond may be canceled by the Surety after ninety (90) days following receipt by the Division and Principal of written notice of such cancellation. Surety's liability shall then, at the expiration of said ninety (90) days, cease and terminate except that Surety will remain fully liable for all reclamation obligations of the Principal incurred prior to the date of termination.

Principal and Surety and their successors and assigns agree to guarantee said obligation and to indemnify, defend, and hold harmless the Division from any and all expenses (including attorney fees) which the Division may sustain in the collection of sums due hereunder.

Surety will give prompt notice to Principal and to the Division of the filing of any petition or the commencement of any proceeding relating to the bankruptcy, insolvency, reorganization, or adjustment of the debts of Surety, or alleging any violation or regulatory requirements which could result in suspension or revocation of the Surety's license to do business.

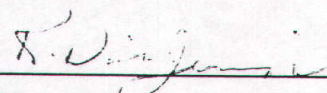
IN WITNESS WHEREOF, the Principal and Surety hereunto set their signatures and seals as of the dates set forth below.

Twin Mountain Rock Company
Principal (Permittee)

March 6, 1997
Date

R. David Jennings
By (Name typed):

Vice President
Title



Signature

Surety Company

Aetna Casualty & Surety Company of America
Company Officer

March 6, 1997
Date

Attorney-in-Fact
Title/Position


Signature

AFFIDAVIT OF QUALIFICATION

On the 6th day of March, 1997, personally appeared before me Janet R. Nielsen who being by me duly sworn did say that he/she, the said Patricia A. Larson is the Attorney-in-Fact of Aetna Casualty & Surety Company and duly acknowledged that said instrument was signed on behalf of said company by authority of its bylaws or a resolution of its board of directors and said Patricia A. Larson duly acknowledged to me that said company executed the same, and that he/she is duly authorized to execute and deliver the foregoing obligations; that said Surety is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertaking and obligations.

Signed: Patricia A. Larson
Surety Officer Patricia A. Larson

Title: Attorney-in-Fact

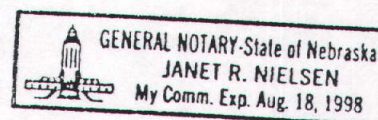
STATE OF Nebraska)
COUNTY OF Douglas) ss:

Subscribed and sworn to before me this 6th day of March, 1997.

Janet R. Nielsen
Notary Public Janet R. Nielsen

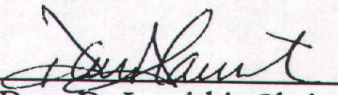
Residing at: Omaha, NE

My Commission Expires:



August 18, 1998.

SO AGREED this 26th day of March, 19 97.



Dave D. Lauriski, Chairman
Board of Oil, Gas and Mining

*NOTE: Where one signs by virtue of Power of Attorney for a Surety Company, such Power of Attorney must be filed with this bond. If the Principal is a corporation, the bond shall be executed by its duly authorized officer.

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEYS-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, THAT AETNA CASUALTY & SURETY COMPANY OF AMERICA, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, hath made, constituted and appointed, and does by these presents make, constitute and appoint Robert D. Lembke, P. A. Foss, Philip G. Dehn, Terry K. Bartel or Patricia A. Larson - -

of Omaha, Nebraska, its true and lawful Attorneys-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, or, if the following line be filled in, within the area there designated, the following instrument(s):

by his sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any and all consents incident thereto

and to bind AETNA CASUALTY & SURETY COMPANY OF AMERICA, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of AETNA CASUALTY & SURETY COMPANY OF AMERICA, and all the acts of said Attorneys-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Company which Resolutions are now in full force and effect: VOTED: That each of the following officers: President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him or her.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, an Executive Vice President, a Senior Vice President, a Vice President, an Assistant Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact pursuant to the power prescribed in his or her certificate or their certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Board of Directors of AETNA CASUALTY & SURETY COMPANY OF AMERICA which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, AETNA CASUALTY & SURETY COMPANY OF AMERICA has caused this instrument to be signed by its Vice President, and its corporate seal to be hereto affixed this 28th day of April, 19 95

State of Connecticut }
County of Hartford } ss. Hartford



AETNA CASUALTY AND SURETY COMPANY OF AMERICA

By

Terry F. Lukow
Terry F. Lukow
Vice President

On this 28th day of April, 19 95, before me personally came TERRY F. LUKOW to me known, who, being by me duly sworn, did depose and say: that he/she is Vice President of AETNA CASUALTY AND SURETY COMPANY OF AMERICA, the corporation described in and which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; and that he/she executed the said instrument on behalf of the corporation by authority of his/her office under the Standing Resolutions thereof.



Dorothy L. Marti
My commission expires August 31, 1998
Dorothy L. Marti

Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of AETNA CASUALTY & SURETY COMPANY OF AMERICA, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

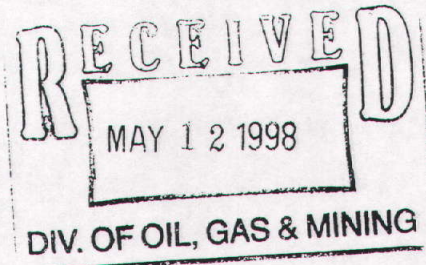
Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 6th day of March, 19 97.



By

Stephen R. Sawyer
Stephen R. Sawyer
Assistant Secretary

DECREASE CERTIFICATE



Bond No. - _____

Bond Amount \$948,000.00

Principal - Twin Mountain Rock Company

Decreased to \$750,000.00

Obligee - State of Utah Department of Natural Resources

As of the 1st day of May, 1998, the amount of the above described bond is hereby decreased from the sum of \$948,000.00 to the sum of \$750,000.00. The liability of the surety for any acts or defaults occurring after the effective date hereof, will in no event exceed the sum last named. The aggregate liability of the surety for any and all acts and defaults, whenever committed, will in no event exceed the sum last named, it being the intent hereof to preclude cumulative liability. This certificate, when signed by the Obligee will become part of the said bond.

This certificate will also change the name of the surety from The Aetna Casualty and Surety Company of America to Travelers Casualty and Surety Company of America.

Signed, sealed and dated this 6th day of May, 1998.

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Jennifer L. Bookout
Jennifer L. Bookout, Attorney-in-Fact

This certificate was executed by the surety pursuant to our request, and we hereby formally consent to the decrease.

Signed, sealed and dated this 22 day of May, 1998.

State of Utah Lowell P. Brayton

Acting Director, Division of Oil, Gas & Mining
Title

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
Hartford, Connecticut 06183-906

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford County of Hartford, State of Connecticut, hath made, constituted and appointed, and does by these presents make constitute and appoint Robert D. Lembke, P. A. Foss, Philip G. Dehn, Terry K. Bartel, Jennifer L. Bookout or Janet R. Nielsen **

of, Omaha, NE, its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, or, if the following line be filled in, within the area there designated , the following instrument(s):
by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto

and to bind TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Company, which Resolutions are now in full force and effect:

VOTED. That each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Group Executive, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him or her.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the Chairman, the Vice Chairman, the President, an Executive Vice President, a Group Executive, a Senior Vice President, a Vice President, an Assistant Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Board of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Group Executive, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

(over)

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA has caused this instrument to be signed by its Senior Vice President, and its corporate seal to be hereto affixed this 1st day of July, 1997.

STATE OF CONNECTICUT

} SS. Hartford

COUNTY OF HARTFORD



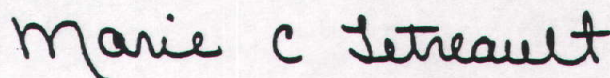
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

By


George W. Thompson
Senior Vice President

On this 1st day of July, 1997, before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, the corporation described in and which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; and that he/she executed the said instrument on behalf of the corporation by authority of his/her office under the Standing Resolutions thereof.





My commission expires June 30, 2001 Notary Public
Marie C. Tetreault


CERTIFICATE

I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 1st day of May, 1998. 6th



By:


Rose Gonsoulin
Assistant Secretary

m/001/036

INCREASE/DECREASE RIDER

To be attached to and form a part of Bond Number _____ in the amount of Seven Hundred Fifty Thousand and No/100 (\$750,000.00) Dollars issued by Travelers Casualty and Surety Company of America on behalf of Twin Mountain Rock Company in favor of State of Utah Department of Natural Resources.

It is understood and agreed that the bond described above is hereby modified to Increase bond amount:

FROM: Seven Hundred Fifty Thousand and No/100 Dollars (\$750,000.00)

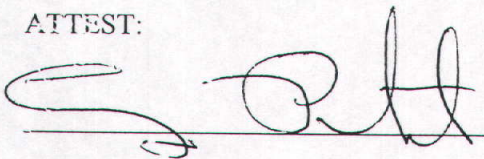
TO: Seven Hundred Seventy Seven Thousand, Five Hundred and No/100 Dollars (\$777,500.00)

It is further expressly understood and agreed that the aggregate liability of the company under said bond to the obligee herein mentioned shall not exceed the amount stated above. Nothing herein contained shall be held to vary, alter, waive, or extend any of the terms, agreements, conditions or limitations of the above mentioned bond, other than as above stated.

To be effective this 9th day of November, 20 00.

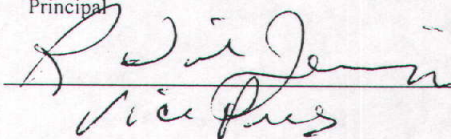
Signed, Sealed, and dated this 9th day of November, 20 00.

ATTEST:

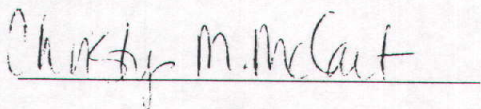


Twin Mountain Rock Company

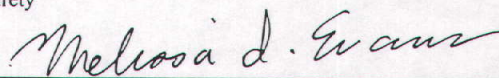
Principal



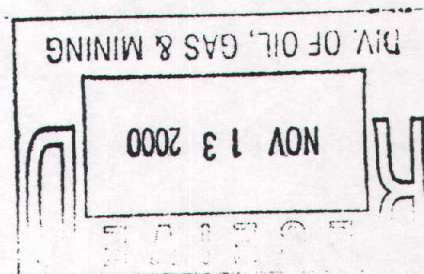
ATTEST:



Travelers Casualty and Surety Company of America
Surety



Melissa D. Evans, Attorney-in-Fact



TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062
TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS
Naperville, Illinois 60563-8458

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, a corporation duly organized under the laws of the State of Illinois, and having its principal office in the City of Naperville, County of DuPage, State of Illinois, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: John T. Lockton, III, James C. Pateidl, Michael D. Whipps, Melissa D. Evans, Janet L. Rehkop, Patrick T. Pribyl, Kevin D. Kalish, Diane Angers, Shelby L. Reck, Katherine D. Morin, Sharolyn L. Norman, Kathy M. Loftus, Debra J. Scarborough or David M. Lockton * *

of Kansas City, MO, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, or, if the following line be filled in, within the area there designated the following instrument(s):
by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto

and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY, FARMINGTON CASUALTY COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and attested by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY, FARMINGTON CASUALTY COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS have caused this instrument to be signed by their Senior Vice President, and their corporate seals to be hereto affixed this 9th day of December, 1999.


STATE OF CONNECTICUT

} SS. Hartford

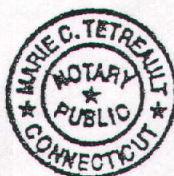
COUNTY OF HARTFORD

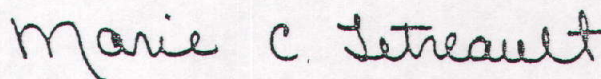
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS



By 
George W. Thompson
Senior Vice President

On this 9th day of December, 1999 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY, FARMINGTON CASUALTY COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.





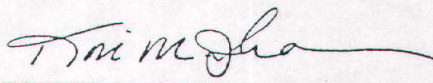
My commission expires June 30, 2001 Notary Public
Marie C. Tetreault

CERTIFICATE

I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, stock corporation of the State of Illinois, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this NOV 09 2000 day of



By 
Kori M. Johanson
Assistant Secretary, Bond

INCREASE/DECREASE RIDER

To be attached to and form a part of Bond Number [REDACTED] in the amount of Seven Hundred Seventy Seven Thousand Five Hundred and 00/100 Dollars (\$777,500.00) Dollars issued by Travelers Casualty and Surety Company of America on behalf of Twin Mountain Rock Company in favor of State of Utah Department of Natural Resources.

It is understood and agreed that the bond described above is hereby modified to Increase bond amount FROM: Seven Hundred Seventy Seven Thousand Five Hundred and 00/100 Dollars (\$777,500.00) TO: Nine Hundred Ten Thousand Seven Hundred and 00/100 Dollars (\$910,700.00) effective this 10th day of February, 20 03.

It is further expressly understood and agreed that the aggregate liability of the company under said bond to the obligee herein mentioned shall not exceed the amount stated above. Nothing herein contained shall be held to vary, alter, waive, or extend any of the terms, agreements, conditions or limitations of the above mentioned bond, other than as above stated.

Signed, Sealed, and dated this 10th day of February, 20 03.

ATTEST:

Leon D. Frank

Twin Mountain Rock Company
Principal

Craig Pfingsten
Vice-President

ATTEST:

Stephanie J. Jantzen

Travelers Casualty and Surety Company of America
Surety

Melissa D. Evans
Melissa D. Evans, Attorney-in-Fact

RECEIVED

FEB 14 2003

DIV. OF OIL, GAS & MINING

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: **James C. Pateidl, Michael D. Whipps, Melissa D. Evans, Janet L. Rehkop, Patrick T. Pribyl, Kathy M. Loftus, Debra J. Scarborough, David M. Lockton, Toni P. O'Rear, Veronica Lawver, Christy M. McCart, Mary T. Flanigan, of Kansas City, Missouri,** their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 1st day of May 2002.

STATE OF CONNECTICUT

} SS. Hartford

COUNTY OF HARTFORD

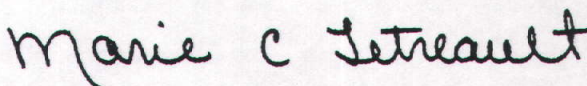
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY



By 
George W. Thompson
Senior Vice President

On this 1st day of May, 2002 before me personally came **GEORGE W. THOMPSON** to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY** and **FARMINGTON CASUALTY COMPANY**, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.





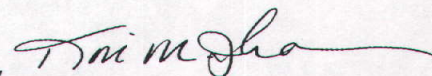
My commission expires June 30, 2006 Notary Public
Marie C. Tetreault

CERTIFICATE

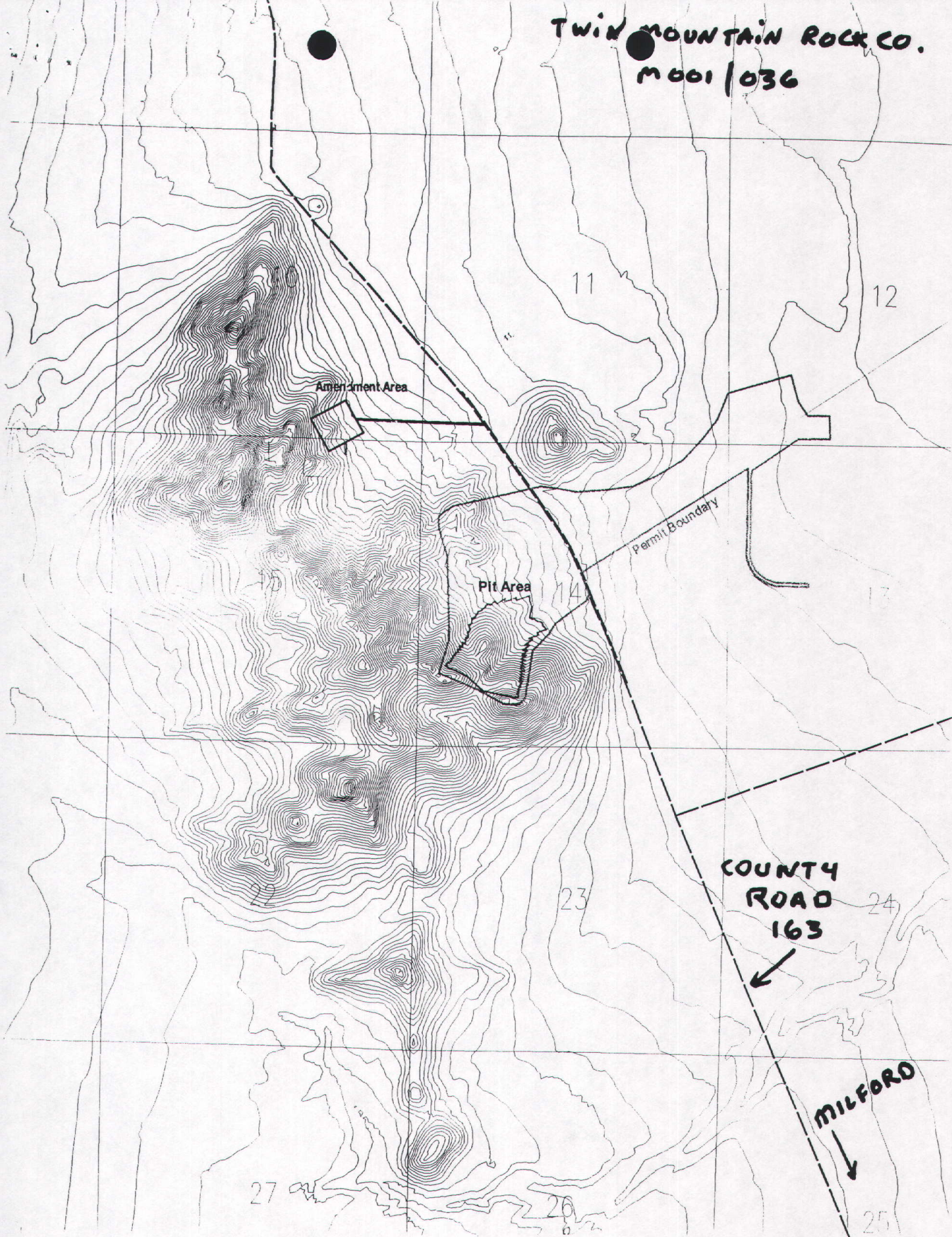
I, the undersigned, Assistant Secretary of **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY** and **FARMINGTON CASUALTY COMPANY**, stock corporations of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this day of
FEB 10 2003, 20



By 
Kori M. Johanson
Assistant Secretary, Bond

TWIN MOUNTAIN ROCK CO.
M001/036



Amendment Area

Pit Area

Permit Boundary

COUNTY
ROAD
163

MILFORD

SURETY ESTIMATE UPDATE

Twin Mountain Rock Company

14-Nov-02

Milford Quarry

FILE # M/001/036

Beaver County

Prepared by Utah Division of Oil, Gas & Mining

Last Update

3/12/97

DESCRIPTION:

-This update adjusts the surety amount for escalation only.

-Previous reclamation surety estimate was \$1,140,000 in year 2002 dollars - This bond amount was recalculated and reduced April 16, 1998 to a base amount of \$948,000 - This bond reduction was the result of a plan amendment submitted by Twin Mountain.

Increased in 8/02/00 by an additional \$23,578 in 2000 as the result of a 5.8 acre amendment to the plan.

-Reclamation Estimate base amount calculated in 1997-\$

-This summary is based on the reclamation estimate of 2/19/97 provided by Twin Mountain Rock Co.

-The BLM holds bond #20S10107591 in the amount of \$256,000 for mineral materials sale UTU-73390

-The BLM will designate \$192,000 of this mineral sale bond for site reclamation

-The Division formally recognizes this \$192,000 in consideration of the amount of surety required

-The BLM will not release the reclamation portion of the bond without written permission from the Division

-The BLM and the Division will be jointly listed on the bond held by the Division

-Escalation factors through 2002 are actual Means Historical Cost Indices

-Total disturbed area = 216.8 ACRES

CALCULATIONS	YR	ESCAL FACTOR	BOND AMOUNT
$F = P(1 + i)^{**}n$	1993	0.0261	\$0.00
	1994	0.0321	\$0.00
	1995	0.0193	\$0.00
F = Future Sum	1996	0.0242	\$0.00
P = Present Sum	1997	0.0236	\$0
i = Escalation Factor	1998	0.0502	\$832,054
n = number of periods	1999	0.0191	\$847,946
	2000	0.0244	\$892,214 ***
Three Yr Average = 2.82%	2001	0.0460	\$933,256
Used to Project 5 Yrs	2002	0.0282	\$959,574
From the Year 2002	2003	0.0282	\$986,634
	2004	0.0282	\$1,014,457
	2005	0.0282	\$1,043,064
	2006	0.0282	\$1,072,479
	2007	0.0282	\$1,102,723
Updated Surety Amount Rounded (2007-\$)			\$1,102,700

** Average cost per acre = 5086 (\$/ACRE)

Recognizing the \$192,000 reclamation bond presently being held by the BLM the amount of surety required for this site will be adjusted to:

\$910,700

*** The \$23,578 bond for the 5.8 acre amendment added into surety calculations at this point